

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF OKLAHOMA

VANCE DOTSON
Plaintiff,

v.

CAPITAL MANAGEMENT SERVICES,
LP.,
Defendant.

) JURY TRIAL DEMANDED

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) Case No. CIV-23-362-JD

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FILED

MAY 01 2023

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT. WESTERN DIST. OKLA.
BY , DEPUTY

COMPLAINT AND DEMAND FOR JURY TRIAL

I. INTRODUCTION

1. This is an action for actual and statutory damages brought by Plaintiff, Vance Dotson, an individual consumer, against Defendant, Capital Management Services, LP., ("CMS") for violations of the Fair Debt Collection Practices Act, 15 U.S.C § 1692 *et seq.* (hereinafter "FDCPA"), which prohibits debt collectors from engaging in abusive, deceptive, and unfair practices.

II. JURISDICTION AND VENUE

2. Jurisdiction of this court arises under 15 U.S.C § 1692k(d) 28 U.S.C 1331. Venue in this District is proper in that the Defendants transact business in Oklahoma City, Oklahoma County, Oklahoma, and the conduct complained of occurred in Oklahoma City, Oklahoma County, Oklahoma.

III. PARTIES

3. Plaintiff Vance Dotson (hereinafter "Mr. Dotson") is a natural person residing in Oklahoma City, Oklahoma County, Oklahoma. Mr. Grayson is a consumer as defined by the Fair Debt Collection Practices Act, 15 U.S.C. §1692a(3).
4. Upon information and belief, Defendant Capital Management Services, LP., is a New York corporation with its principal place of business located at 698 ½ South Ogden St. Buffalo, NY 14206.
5. Defendant Capital Management Services, LP., is engaged in the collection of debt from consumers using the mail and telephone. Defendant regularly attempts to collect consumers' debts alleged to be due to others.

IV. FACTS OF THE COMPLAINT

6. Defendant, Capital Management Services, LP., (hereinafter referred to as “Debt Collector”) is a “debt collector” as defined by the FDCPA, 15 U.S.C 1692a(6). The debt in question is a “consumer debt” use for family and household purposes with regards to the FDCPA, 15 U.S.C 1692a(5).
7. On or about October 13, 2022, Mr. Dotson filed Chapter 7 bankruptcy 5:2022BK12371 in Oklahoma Western Bankruptcy Court through counsel Nkem House Sr.
8. The debt in question is \$2,532.24, allegedly owned to Citi Bank, N.A.
9. Debt Collector knew that Plaintiff was represented by counsel.
10. On about December 11, 2022 counsel received a letter from Debt Collector attempting to collect the alleged that Plaintiff filed in the Chapter 7 bankruptcy.
11. On or about January 17, 2023 Plaintiff received an email on the alleged debt attempting to collect the alleged debt that Plaintiff filed in the Chapter 7 bankruptcy.
12. On or about January 20, 2023 the Chapter 7 bankruptcy was dismissed.
13. Plaintiff has suffered actual damages as a result of these illegal collection communications by these Defendant in the form of anger, anxiety, decreased ability to focus on task while at work, frustration, amongst other negative emotions, as well as suffering from unjustified

abusive invasions of personal privacy, emotional distress and mental anguish.

V. FIRST CLAIM FOR RELIEF
(Defendant Capital Management Services, LP.,)
15 U.S.C. §1692b(6)

14. Mr. Dotson re-alleges and reincorporates all previous paragraphs as if fully set out herein.
15. The Debt Collector violated the FDCPA.
16. The Debt Collector's violations include, but are not limited to, the following:
 - (a) The Debt Collector violated 15 U.S.C § 1692b(6) of the FDCPA by contacting Mr. Dotson when debt collector knew Mr. Dotson was represented by counsel.

V. SECOND CLAIM FOR RELIEF
(Defendant Capital Management Services, LP.,)
15 U.S.C. §1692e

17. Mr. Dotson re-alleges and reincorporates all previous paragraphs as if fully set out herein.
18. The Debt Collector violated the FDCPA.
19. The Debt Collector's violations include, but are not limited to, the following:

(a) The Debt Collector violated 15 U.S.C § 1692e of the FDCPA by violating Section 362K1 of the federal Bankruptcy Code by continuing collection efforts via email.

20. As a result of the above violations of the FDCPA, the Defendants are liable to the Mr. Dotson actual damages, statutory damages and costs.

VI. JURY DEMAND AND PRAYER FOR RELIEF

WHEREFORE, Plaintiff Vance Dotson respectfully demands a jury trial and requests that judgment be entered in favor of Plaintiff and against the Debt Collector for:

- A. Judgment for the violations occurred for violating the FDCPA;
- B. Actual damages pursuant to 15 U.S.C 1692k(1)(2);
- C. Statutory damages pursuant to 15 U.S.C 1692k(2);
- D. Cost pursuant to 15 U.S.C 1692k(3);
- E. For such other and further relief as the Court may deem just and proper.

Respectfully submitted:



Vance Dotson

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